

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

ESTEL D. OWENS

Plaintiff,

v.

CIVIL NUMBER. 1:19-00204

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

OPINION AND ORDER

Before the court is counsel for the plaintiff's Response to Order of July 3, 2019 (ECF NO. 7) which explains the reason for the defendant not receiving service of process within 90 days of filing the complaint, as required by Rule 4(m) of the Federal Rules of Civil Procedure. In the response, counsel for the plaintiff explains that he sent by certified mail a copy of the summons and complaint to the defendant in a timely manner; however, it appears the mailing was lost as it cannot be tracked through the United States Postal Service. See id. Attached to the defendant's response is an affidavit of the legal assistant to counsel for the plaintiff confirming that she did in fact mail the documents consistent with the rules of federal procedure on March 25, 2019.

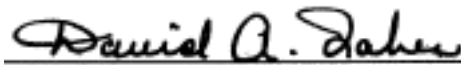
Because the court finds that the plaintiff made a good faith attempt to mail the summons and complaint, a good cause

for not serving the defendant with process within 90 days has been shown, and the plaintiff is granted an additional 30 days to effectuate service of process in the instant matter.

The Clerk is directed to send a copy of this Opinion and Order to counsel of record.

IT IS SO ORDERED this 25th day of July, 2019.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge